Representative Hall, Atlanta, Georgia

Monday, January 23, 2006

The House met pursuant to adjournment at 1:00 o'clock, P.M., this day and was called to order by the Speaker.

The roll was called and the following Representatives answered to their names:

Abdul-Salaam	Dickson	Holmes	May	Rynders
Amerson	Dodson	Holt	McCall	E Sailor
Anderson	Dollar	Horne	E McClinton	Scheid
Barnard	Drenner	Jacobs	Meadows	Scott, M
Bearden	Dukes	James	Millar	Shaw
Benfield	Ehrhart	Jamieson	Mills	Sheldon
Benton	England	Jenkins	Mitchell	Sims, C
Black	Epps	Jennings	Morris	Sims, F
Bridges	Everson	Jones, S	Mosby	Sinkfield
Brooks	Fleming	Jordan	Mosley	Smith, B
Brown	E Floyd, J	Keen	Mumford	Smith, P
Bryant	Forster	Keown	Murphy, J	Smith, R
Buckner, D	Franklin	Kidd	Murphy, Q	Smith, T
Buckner, G	Freeman	Knight	Neal	Smith, V
Burkhalter	Gardner	Knox	Oliver	E Stanley-Turner
Burmeister	Geisinger	Lakly	O'Neal	Stephens
Byrd	Graves, D	Lane, B	Parham	Talton
Carter	Graves, T	Lane, R	Parrish	Teilhet
Casas	Greene	Lewis	Parsons	Thomas, A.M
Chambers	Hanner	Lindsey	Powell	Thomas, B
Cheokas	Harbin	Lord	Ralston	Tumlin
Coan	Heard, J	Loudermilk	Reece, B	Warren
Coleman, B	Heard, K	Lunsford	Reece, S	Wilkinson
Cooper	Hembree	Maddox	Reese	Williams, E
Cox	E Henson	Manning	Rice	Williams, R
E Cummings	Hill, C	Martin	Roberts	Yates
Davis	Hill, C.A	Maxwell	Royal	Richardson,
				Speaker

The following members were off the floor of the House when the roll was called:

Representatives Ashe of the 56th, Beasley-Teague of the 65th, Bordeaux of the 162nd, Borders of the 175th, Bruce of the 64th, Burns of the 157th, Butler of the 18th, Channell of the 116th, Cole of the 125th, Coleman of the 144th, Crawford of the 127th, Day of the 163rd, Dean of the 59th, Floyd of the 99th, Fludd of the 66th, Golick of the 34th, Hatfield of the 177th, Heckstall of the 62nd, Houston of the 170th, Howard of the 121st, Hudson of the 124th, Hugley of the 133rd, Jackson of the 161st, Johnson of the 37th, Lucas of the 139th, Mangham of the 94th, Marin of the 96th, Morgan of the 39th, Orrock of the 58th, Porter of the 143rd, Randall of the 138th, Ray of the 136th, Scott of

the 153rd, Setzler of the 35th, Smith of the 70th, Smyre of the 132nd, Walker of the 107th, Watson of the 91st, Williams of the 165th, and Wix of the 33rd.

They wish to be recorded as present.

Prayer was offered by the Reverend George LaShure, Cosmopolitan A.M.E. Church, Atlanta, Georgia.

The members pledged allegiance to the flag.

Representative Heard of the 104th, Chairman of the Committee on Information and Audits, reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

By unanimous consent, the following was established as the order of business during the first part of the period of unanimous consents:

- 1. Introduction of Bills and Resolutions.
- 2. First reading and reference of House Bills and Resolutions.
- 3. Second reading of Bills and Resolutions.
- 4. Reports of Standing Committees.
- 5. Third reading and passage of Local uncontested Bills.
- 6. First reading and reference of Senate Bills and Resolutions.

By unanimous consent, the following Bills and Resolutions of the House were introduced, read the first time and referred to the Committees:

HB 1053. By Representatives Mills of the 25th, Rice of the 51st, Ehrhart of the 36th, Keen of the 179th, Fleming of the 117th and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, so as to provide for a special license plate promoting the national motto, "In God We Trust"; to

provide for a portion of the revenue to go to the Boy Scouts of America; to provide for issuance, renewal, fees, licensing agreements, applications, and transfers relative to such special license plates; to provide for related matters; to provide a contingent effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Motor Vehicles.

HB 1054. By Representatives Stephens of the 164th, Parham of the 141st, Parrish of the 156th, Graves of the 137th and Carter of the 159th:

A BILL to be entitled an Act to amend Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled substances, so as to change certain provisions relating to Schedule I controlled substances; to change certain provisions relating to Schedule IV controlled substances; to change certain provisions relating to the definition of the term "dangerous drug"; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 1055. By Representatives Keown of the 173rd, Freeman of the 140th, Hill of the 21st, Setzler of the 35th, Black of the 174th and others:

A BILL to be entitled an Act to amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to provide for a short title; to provide for the adoption and implementation of Internet safety policies in public schools; to provide for the adoption and implementation of Internet safety policies in public libraries; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

HB 1056. By Representatives Benton of the 31st, England of the 108th and Lunsford of the 110th:

A BILL to be entitled an Act to amend Chapter 10 of Title 13 of the O.C.G.A., relating to contracts for public works, so as to prohibit any department, agency, or instrumentality of the state or any political subdivision of the state from entering into a contract for the performance of services within the State of Georgia unless the contract provides that only persons who are citizens or nationals of the United States shall perform the services under the contract or any subcontract thereunder; to provide for certain provisions to be included in any such contracts; to prohibit retaliation

against a party filing a complaint for violation of these provisions; to provide for administrative complaints; to provide for judicial review; to provide for related matters; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 1057. By Representatives Mills of the 25th and Rice of the 51st:

A BILL to be entitled an Act to amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates for certain persons and vehicles, so as to provide for a special license plate promoting child abuse prevention; to provide for a portion of the revenue to go to the Foster Family Foundation of Georgia; to provide for purposes, design, applications, fees, issuance, revenues, renewals, and transfers; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Motor Vehicles.

HB 1058. By Representatives Brown of the 69th, Knox of the 24th and Forster of the 3rd:

A BILL to be entitled an Act to amend Code Section 45-18-54 of the Official Code of Georgia Annotated, relating to continuation of optional health care plans, so as to provide that certain health care plans writing optional supplemental health care insurance products for state agencies shall be approved to write optional supplemental health care insurance products for all state agencies; to provide that any department, agency, authority, county department of health, or local board of education may receive an administrative fee or service fee for certain services; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Insurance.

HB 1059. By Representatives Keen of the 179th, Ralston of the 7th, Burkhalter of the 50th, Freeman of the 140th, Thomas of the 55th and others:

A BILL to be entitled an Act to amend Titles 16, 17, 35, and 42 of the O.C.G.A., relating respectively to crimes and offenses, criminal procedure, law enforcement officers and agencies, and penal institutions, so as to change provisions relating to sexual offenders; to change punishment provisions,

registration requirements, and areas where certain offenders can reside as it affects sexual offenders; to change certain provisions relating to punishment of serious violent offenders and increase the mandatory minimum term of imprisonment for certain offenses; to require persons convicted of certain sexual crimes to receive a mandatory split sentence including a minimum sentence of imprisonment; to reorganize and change provisions related to the State Sexual Offender Registry; to provide for other related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 1061. By Representatives Wix of the 33rd, Teilhet of the 40th, Porter of the 143rd, Jamieson of the 28th, Powell of the 29th and others:

A BILL to be entitled an Act to create and establish the "Georgia Right to Self-defense Act of 2006"; to amend Article 2 of Chapter 3 of Title 16 of the Official Code of Georgia Annotated, relating to justification and excuse in criminal prosecutions, so as to provide that under certain circumstances there is no duty to retreat when using force in defense of self or others or in defense of habitation; to create a legal presumption for the reasonable use of force in self-defense cases; to amend Article 1 of Chapter 11 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions for defenses to tort actions, so as to provide immunity from civil action for the use of force in defense of self or others; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 1062. By Representatives Wilkinson of the 52nd, Jacobs of the 80th, Lindsey of the 54th, Henson of the 87th, Willard of the 49th and others:

A BILL to be entitled an Act to amend Chapter 25 of Title 33 of the Official Code of Georgia Annotated, relating to life insurance, so as to provide that no insurer offering life insurance coverage to citizens of this state shall deny or refuse to accept an application for life insurance; refuse to issue or renew a contract of life insurance; cancel, restrict, or otherwise terminate a contract of life insurance; or charge a different rate for the same life insurance coverage, based upon an applicant's or insured's past or future travel to the State of Israel; to provide for certain exceptions; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Insurance.

HB 1063. By Representatives Scheid of the 22nd, Chambers of the 81st, Franklin of the 43rd, Royal of the 171st and Holt of the 112th:

A BILL to be entitled an Act to amend Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem tax exemptions, so as to provide for an exemption for all tangible personal property consisting of inventory of a business; to provide for applicability; to provide for effective dates; to provide for a special election; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 1064. By Representatives Tumlin of the 38th, Lindsey of the 54th and Lane of the 167th:

A BILL to be entitled an Act to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to revise the statutory living will form; to provide for automatic revocation of a health care agency by the execution of a subsequent agency; to revise the statutory health care power of attorney form; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 1065. By Representative Scheid of the 22nd:

A BILL to be entitled an Act to amend Chapter 8 of Title 48 of the O.C.G.A., relating to sales and use taxes, so as to provide for funding of projects and services through the levy and collection of a municipal sales and use tax; to provide for the rate and manner of imposition of such tax; to provide for applicability to certain sales; to provide for definitions; to provide for powers, duties, and authority of municipal governing authorities with respect to such tax; to provide for powers, duties, and authority of the state revenue commissioner with respect to such tax; to provide for collection and administration of such tax; to provide for returns; to provide for a method for discontinuation of such tax; to provide for local imposition of certain taxes; to provide for collection of data regarding point of retail sale; to provide for other matters relative to the foregoing; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 1066. By Representatives Manning of the 32nd, Ehrhart of the 36th, O'Neal of the 146th, Cooper of the 41st, Brown of the 69th and others:

A BILL to be entitled an Act to amend Chapter 12 of Title 31 of the Official Code of Georgia Annotated, relating to control of hazardous conditions, preventable diseases, and metabolic disorders, so as to change certain provisions relating to a system for screening newborns for certain metabolic and genetic disorders; to provide for the establishment of fees; to provide for religious objection to screening; to change certain provisions relating to screening for phenylketonuria, sickle cell anemia, and sickle cell trait; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Children & Youth.

HB 1067. By Representatives Forster of the 3rd, Davis of the 109th, Manning of the 32nd and Fludd of the 66th:

A BILL to be entitled an Act to amend Chapter 6 of Title 28 of the Official Code of Georgia Annotated, relating to interstate cooperation, so as to change certain provisions relating to creation and membership of the Georgia Commission on Interstate Cooperation; to provide for allowances; to change certain provisions relating to functions of the Georgia Commission on Interstate Cooperation; to change certain provisions relating to a declaration that the Council of State Governments, Council of State Governments—Clairmont Road, L.L.C., and Southern Legislative Conference are joint governmental agencies of this state; to provide that certain organizations are joint governmental agencies of this state; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Interstate Cooperation.

HB 1068. By Representatives Ehrhart of the 36th, Tumlin of the 38th, Parsons of the 42nd, Manning of the 32nd, Golick of the 34th and others:

A BILL to be entitled an Act to amend an Act providing for the election of members of the Board of Education of Cobb County, approved March 28, 1974 (Ga. L. 1974, p. 3516), as amended, so as to provide for procedures relating to the establishment or revision of school attendance zones; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1069. By Representatives Murphy of the 23rd, Brown of the 69th, Hill of the 21st, Knox of the 24th, Wilkinson of the 52nd and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to issuance, expiration, and renewal of drivers' licenses, so as to establish a young driver tracking service; to provide for methods of tracking young drivers; to provide for use of the tracking service by the courts; to provide for registration of the service with the Department of Driver Services; to provide for insurance deductions for users of the tracking service; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Motor Vehicles.

HB 1070. By Representatives Loudermilk of the 14th, Hill of the 21st, Lunsford of the 110th, Mosley of the 178th, Reece of the 11th and others:

A BILL to be entitled an Act to amend Chapter 16 of Title 40 of the Official Code of Georgia Annotated, relating to the Department of Driver Services, so as to create a procedure for verifying any claim of legal domicile or residence in Georgia for any purpose for which legal residence or domicile is required by law; to provide for exceptions; to provide for a list of valid identification documents; to provide for the promulgation of regulations; to provide for penalties; to provide for judicial review; to provide for related matters; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 1071. By Representative Scott of the 153rd:

A BILL to be entitled an Act to amend Code Section 50-18-73 of the Official Code of Georgia Annotated, relating to jurisdiction to enforce the inspection of public records, attorney's fees and litigation expenses, and good faith reliance as defense to action, so as to provide for the award of attorney's fees to a person or entity bringing a successful action to enforce compliance with the requirements relating to the inspection of public records; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 1072. By Representatives Burkhalter of the 50th, Willard of the 49th, Rice of the 51st and Jones of the 46th:

A BILL to be entitled an Act to incorporate the City of Riverside in Fulton County, Georgia; to provide a charter for the City of Riverside; to provide for incorporation, boundaries, and powers of the city; to provide for a governing authority of such city and the powers, duties, authority, election, terms, method of filling vacancies, compensation, qualifications, prohibitions, and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for organization and procedures; to provide for ordinances and codes; to provide for a city attorney, a city clerk, a city tax collector, a city accountant, and other personnel; to provide for rules and regulations; to provide for a municipal court and the judge or judges thereof; to provide for practices and procedures; to provide for a charter commission; to provide for severability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

HB 1073. By Representatives O'Neal of the 146th, Talton of the 145th and Ray of the 136th:

A BILL to be entitled an Act to amend Code Section 15-6-2 of the O.C.G.A., relating to the number of judges of superior courts, so as to provide for a third judge of the superior courts of the Houston Judicial Circuit; to provide for the appointment of such additional judge by the Governor; to provide for the election of successors to the judge initially appointed; to prescribe the powers of said judge; to prescribe the compensation, salary, and expense allowance of said judge to be paid by the State of Georgia and the counties comprising said circuit; to authorize the judges of said court to divide and allocate the work and duties thereof; to authorize the governing authority of the counties which comprise the Houston Judicial Circuit to provide facilities, office space, supplies, equipment, and personnel for said judges; to declare inherent authority; to provide for a conditional effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HR 1094. By Representatives Scheid of the 22nd, Smith of the 113th, Cummings of the 16th, Rogers of the 26th, Harbin of the 118th and others:

A RESOLUTION proposing an amendment to the Constitution so as to provide that funds derived from sales and use and motor fuel taxes with respect to aviation fuel may be appropriated for and grant made for all activities incident to providing and maintaining an adequate system of public-use airports in this state; to authorize the General Assembly to allocate and specify and direct the use of such funds by general law; to provide for submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Appropriations.

HR 1108. By Representatives Loudermilk of the 14th, Reece of the 11th and Cummings of the 16th:

A RESOLUTION dedicating the SPC Justin W. Johnson Memorial Interchange; and for other purposes.

Referred to the Committee on Transportation.

By unanimous consent, the following Bills and Resolutions of the House and Senate were read the second time:

HB 1026	HB 1044
HB 1027	HB 1045
HB 1028	HB 1046
HB 1029	HB 1047
HB 1030	HB 1048
HB 1031	HB 1049
HB 1032	HB 1050
HB 1033	HB 1051
HB 1034	HB 1052
HB 1035	HB 1060
HB 1036	HR 1079
HB 1037	HR 1080
HB 1038	HR 1081
HB 1039	HR 1082
HB 1040	HR 1084
HB 1041	HR 1085
HB 1042	HR 1086
HB 1043	SB 386

Representative Bridges of the 10th District, Chairman of the Committee on Retirement, submitted the following report:

Mr. Speaker:

Your Committee on Retirement has had under consideration the following Bill of the House and has instructed me to report the same back to the House with the following recommendation:

HB 895 Do Pass, by Substitute

Respectfully submitted, /s/ Bridges of the 10th Chairman

Representative Barnard of the 166th District, Chairman of the Committee on State Institutions and Property, submitted the following report:

Mr. Speaker:

Your Committee on State Institutions and Property has had under consideration the following Bill of the House and has instructed me to report the same back to the House with the following recommendation:

HB 692 Do Pass

Respectfully submitted, /s/ Barnard of the 166th Chairman

The following report of the Committee on Rules was read and adopted:

HOUSE RULES CALENDAR MONDAY, JANUARY 23, 2006

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 6th Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

HB 251	Judges of the Probate Courts Retirement Fund; designating surviving
	beneficiary
HB 344	Firefighters' Pension Fund; return to service after retirement; benefit

HB 357	Class Nine Fire Department Pension Fund; increase maximum monthly
	retirement benefit
HB 660	Firefighters' and Class Nine Pension Funds; certain active military duty;
	creditable service
HB 749	Firefighters' Pension; certain active military duty; creditable service
HB 809	Superior Court Clerks' Retirement; survivors benefits; amend provisions
HB 821	Judicial Retirement; certain judges or district attorneys; creditable service

Modified Open Rule

None

Modified Structured Rule

None

Structured Rule

None

Bills and Resolutions on this calendar may be called in any order the Speaker desires.

Respectfully submitted, /s/ Ehrhart of the 36th Chairman

The following members were recognized during the period of Morning Orders and addressed the House:

Heard of the 114th, Davis of the 109th, Yates of the 73rd, and Mills of the 25th.

The following Resolution of the House was read and referred to the Committee on Rules:

HR 1106. By Representative Ray of the 136th:

Commending the Georgia Peach Festival and inviting the 2005 Georgia Peach Queens to appear before the House of Representatives; and for other purposes.

The following Resolution of the House was read and adopted:

HR 1107. By Representative Keen of the 179th

A RESOLUTION

Calling a joint session of the House of Representatives and the Senate for the purpose of hearing a message from the Chief Justice of the Supreme Court; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA that the honorable Chief Justice of the Supreme Court is hereby invited to address a joint session of the House of Representatives and the Senate at 2:00 P.M., Wednesday, January 25, 2006, in the hall of the House of Representatives.

BE IT FURTHER RESOLVED that a joint session of the House of Representatives and the Senate be held in the hall of the House of Representatives at 1:45 P.M. on the aforesaid date for the purpose of hearing an address from the Chief Justice.

BE IT FURTHER RESOLVED that each other Justice of the Supreme Court and each Judge of the Court of Appeals is hereby invited to the hall of the House of Representatives for the purpose of hearing the address from the Chief Justice.

BE IT FURTHER RESOLVED that the Clerk of the House is authorized and directed to transmit appropriate copies of this resolution to the Chief Justice, to each other Justice of the Supreme Court, and to each Judge of the Court of Appeals.

Under the general order of business, established by the Committee on Rules, the following Bills of the House were taken up for consideration and read the third time:

HB 251. By Representatives Bridges of the 10th, Cummings of the 16th and Coleman of the 97th:

A BILL to be entitled an Act to amend Article 5 of Chapter 11 of Title 47 of the Official Code of Georgia Annotated, relating to retirement benefits and refund of dues under the Judges of the Probate Courts Retirement Fund of Georgia, so as to provide that a member who is unmarried at the time of retirement may elect a retirement option of an actuarially reduced amount with payment made to a designated surviving beneficiary; to provide that a member who is married at the time of retirement may make such an election with the consent of his or her spouse; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Crawford	Hill, C.A	Y Martin	E Sailor
Y Amerson	E Cummings	Y Holmes	Y Maxwell	Y Scheid
Y Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	Y Millar	Y Sheldon
Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Benfield	Y Drenner	Y Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	E Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Smith, P
Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	E Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Oliver	E Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Buckner, G	Y Franklin	Y Keown	Y Orrock	Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Heard, J	Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson,
	•		•	Speaker

On the passage of the Bill, the ayes were 157, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

Representatives Hanner of the 148th and Heard of the 104th stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

HB 821. By Representatives Yates of the 73rd, Knight of the 126th and Lunsford of the 110th:

A BILL to be entitled an Act to amend Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, so as to provide that a superior court judge or district attorney who is an active member of the Georgia Judicial Retirement System may obtain creditable service for certain prior service as a circuit-paid assistant district attorney; to provide for application and payment of the full actuarial value of such service; to provide conditions and limitations; to provide for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Hill, C.A	Y Martin	E Sailor
Amerson	E Cummings	Y Holmes	Y Maxwell	Y Scheid
Y Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe Y Barnard	Y Day	Y Horne	Y McCall	Y Scott, M Setzler
******	Y Dean	Y Houston	E McClinton	~
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	Y Millar	Y Sheldon
Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Benfield	Y Drenner	Y Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	E Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Murphy, Q	Y Smith, V
Y Bruce	E Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	E Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Buckner, G	Y Franklin	Y Keown	Y Orrock	Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson,
	•		•	Speaker
				-

On the passage of the Bill, the ayes were 160, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

Representative Murphy of the 120th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

HB 809. By Representatives Knight of the 126th, Lunsford of the 110th and Yates of the 73rd:

A BILL to be entitled an Act to amend Code Section 47-14-70 of the Official Code of Georgia Annotated, relating to eligibility for retirement benefits in the Superior Court Clerk's Retirement Fund, additional or partial retirement benefits, and election to provide both retirement and survivors benefits, so as to provide that certain persons who elected a survivors benefit and whose spouse predeceased him or her shall receive a postretirement benefit adjustment; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Hill, C.A	Y Martin	E Sailor
Y Amerson	E Cummings	Y Holmes	Y Maxwell	Y Scheid
Y Anderson	Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	Y Millar	Y Sheldon
Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Benfield	Y Drenner	Y Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	E Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	E Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	E Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Buckner, G	Y Franklin	Y Keown	Y Orrock	Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M

Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Lucas	Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson,
				Speaker

On the passage of the Bill, the ayes were 161, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

Representatives Davis of the 109th and Lucas of the 139th stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

By unanimous consent, HB 344, HB 357, HB 660 and HB 749 were postponed until the next legislative day.

The following Bill of the Senate was taken up for the purpose of considering the report of the Committee of Conference thereon:

SB 203. By Senator Wiles of the 37th:

A BILL to be entitled an Act to amend Article 2 of Chapter 12 of Title 17 of the Official Code of Georgia Annotated, relating to public defenders, so as to authorize the recovery of attorney's fees and costs from persons who receive indigent defense services; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following report of the Committee of Conference was read:

COMMITTEE OF CONFERENCE REPORT ON SB 203

The Committee of Conference on SB 203 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Committee of Conference Substitute to SB 203 be adopted.

Respectfully submitted,

FOR THE HOUSE OF REPRESENTATIVES:

FOR THE SENATE:

/s/ Wiles Senator, 37th District

/s/ Meyer Von Bremen Senator, 12th District

/s/ Weber Senator, 40th District /s/ Willard Representative, 49th District

/s/ Ehrhart Representative, 36th District

/s/ Franklin Representative, 43rd District

A BILL

To amend Title 15 and Title 17 of the Official Code of Georgia Annotated, relating respectively to courts and legal defense for indigents, so as to clarify and change provisions relating to fees and collection of fees for indigent defense services; to provide that local victim assistance funds collected by the courts shall be paid directly to the county governing authority or the district attorney; to provide for certain reports; to provide that the Criminal Justice Coordinating Council shall quarterly prepare and publish a report of all courts that have not filed certain reports; to change certain provisions relating to the procedure for reporting and remittance of certain funds collected by any clerk of court or other officer or agent of any court; to change certain provisions relating to the application fees for free legal services and remittance of funds: to clarify remittance of the \$50.00 application fee to certain entities; to change provisions relating to an additional filing fee on civil actions in the probate courts; to change provisions relating to the system of reporting and accounting relating to the Georgia Superior Court Clerks Cooperative Authority; to authorize certain inquiries and audits; to authorize the recovery of attorney's fees and costs under certain circumstances; to provide for definitions; to provide for clarity regarding which entities may be entitled to collect attorney's fees and the mechanism for such collection; to correct a cross-reference relating to circuit public defender office's contracts with local governments; to provide for provisions relating to work release programs in felony sentences; to provide for revocation of work release status; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by striking Code Section 15-21-132, relating to assessment and collection of local victim assistance funds, and inserting in lieu thereof the following:

"15-21-132.

- (a) The sums provided for in Code Section 15-21-131 shall be assessed and collected by the court officer charged with the duty of collecting moneys arising from fines and shall be paid over to the Georgia Superior Court Clerks' Cooperative Authority by the end of the month after the collection. The net proceeds shall be distributed by such authority as follows monthly:
 - (1) If the county where the fine was imposed operates or participates in any victim assistance program certified by the Criminal Justice Coordinating Council, then the moneys shall be paid over to the governing authority of the county for disbursement to those victim assistance programs; or
 - (2) If the county where the fine was imposed does not operate or participate in any victim assistance program certified by the Criminal Justice Coordinating Council, then the moneys shall be paid over to the district attorney of the judicial circuit in which the county is located for the purpose of defraying the costs of victim assistance activities carried out by the district attorney's office. Such funds shall be paid over in the same manner as other county funds paid for operations of the district attorney's office and shall be in addition to rather than in lieu of any other such funds.

All such funds shall be paid to the recipients by the last day of the month in which the funds are received; provided, however, that the governing authority of the county shall be authorized to hold as reserve funds an amount not to exceed 5 percent of the funds received by the governing authority in the preceding calendar year.

- (b) The Georgia Superior Court Clerks' Cooperative Authority The court officer charged with the duty of collecting moneys arising from fines as provided for in Code Section 15-21-131 shall receive and distribute the funds collected pursuant to this Code section to the county governing authorities authority or district attorney, as appropriate, and shall submit a monthly report of the collection and distribution of such funds to the Georgia Superior Court Clerks' Cooperative Authority, and the Georgia Superior Court Clerks' Cooperative Authority shall submit a financial report to the Criminal Justice Coordinating Council each month stating the amount collected and the amount disbursed to each county governing authority no later than the last day of the month following the month in which the funds were collected.
- (c) The county governing authority receiving funds shall submit a financial report to the Criminal Justice Coordinating Council semiannually stating the recipients that directly received funds during such reporting period no later than the last day of the month following the reporting period in which the funds were collected in order to allow coordination of local, state, and federal funding sources for similar services. The Criminal Justice Coordinating Council shall report annually to the General Assembly the county governing authorities that failed to submit semiannual reports during the previous calendar year.
- (d) All recipients of funds pursuant to this Code section, except county governing authorities, shall submit an annual report to the Criminal Justice Coordinating Council. Such report shall include, but not be limited to, the total amount of funds received from each county governing authority pursuant to this Code section, the purposes for which the funds were expended, and the total number of victims served in each county for

which the funds were received. A copy of each recipient's annual report shall also be submitted to each county governing authority from which funds were received pursuant to this Code section.

- (e) The Criminal Justice Coordinating Council shall promulgate rules governing the certification of victim assistance programs. The rules shall provide for the certification of programs which are designed to provide substantial assistance to victims of crime in understanding and dealing with the criminal justice system as it relates to the crimes committed against them. It is the intention of the General Assembly that certification shall be liberally granted so as to encourage local innovations in the development of victim assistance programs.
- (f) The Criminal Justice Coordinating Council shall promulgate rules governing the revocation of certification of victim assistance programs. Such rules shall provide for the decertification of programs previously certified by the Criminal Justice Coordinating Council that are no longer in compliance with the rules promulgated by the Criminal Justice Coordinating Council pursuant to this Code section.
- (g) Moneys arising from fines imposed pursuant to Code Section 15-21-131 shall not be paid to any victim assistance program that has not been certified by the Criminal Justice Coordinating Council or to any program that has been decertified by such council
- (h) Each calendar quarter, the Criminal Justice Coordinating Council shall prepare and publish, by document and posting on its website, a report that shall list each court which has not filed the reports required by subsection (b) of this Code section."

SECTION 2.

Said title is further amended by striking Code Section 15-21A-4, relating to the procedure for reporting and remittance of certain funds collected by any clerk of court or other officer or agent of any court, and inserting in lieu thereof the following:

"15-21A-4.

- (a)(1) Each clerk of any court or any other officer or agent of any court receiving any funds subject to required to be remitted to the authority under this chapter on or after July 1, 2004, shall remit all such funds to the authority by the end of the month following the month in which such funds are received. Each clerk of any court or other officer or agent of any court receiving any funds required to be reported to the authority by this chapter or the rules and regulations of the authority promulgated in accordance with Code Section 15-21A-7 shall report such funds to the authority no later than 60 days after the last day of the month in which such funds are received.
- (2) The chief judge of superior court for each county shall have the authority to require compliance with paragraph (1) of this subsection by this chapter and with the rules and regulations of the authority promulgated by the authority in accordance with Code Section 15-21A-7 by any clerk, officer, or agent of any court within the county. If any court is more than 60 days delinquent or is habitually delinquent in remitting any funds or reports required under this Code section or Code Section 15-21A-6, chapter or by the rules and regulations of the authority promulgated in accordance

- with Code Section 15-21A-7, the authority shall notify the chief judge of superior court of the county in which the court is located.
- (b) The authority shall prescribe uniform procedures and forms for the reporting and remittance of all funds subject to Code Section 15-21A-3 this chapter or the rules and regulations of the authority promulgated in accordance with Code Section 15-21A-7; and all clerks or other officers or agents remitting or reporting such funds shall use the prescribed procedures and forms in reporting and remitting funds to the authority.
- (c) The authority shall prescribe uniform rules, procedures, and forms relative to the partial or installment collection and remittance of funds subject to Code Section 15-21A-3 reporting or remittance to the authority under this chapter or rules and regulations promulgated by the authority in accordance with Code Section 15-21A-7. Any funds held by any court or unit of local government on July 1, 2004, consisting of previously collected partial or installment payments shall be subject to the rules, procedures, and forms so prescribed and shall be remitted to the authority to the extent provided for in such rules and procedures. Funds collected that are partial or installment payments of costs, fees, and surcharges that are required by this chapter to be remitted to the authority shall be remitted to the authority by the end of the month following the month in which they were collected; provided, however, that the authority is authorized to provide by rules and regulations for a longer period of time for remitting such funds not to exceed six months.
- (d) The authority shall remit all funds collected to the designated receiving entities or general fund of the state treasury within 60 days of receiving such funds."

SECTION 3.

Said title is further amended by striking in its entirety Code Section 15-21A-6, relating to additional filing fees, application fee for legal assistance, and remittance of funds, and inserting in lieu thereof the following:

"15-21A-6.

- (a) In addition to all other legal costs there shall be charged to the filing party and collected by the clerk an additional filing fee of \$15.00 in each civil action or case filed in the superior, state, probate, recorder's, mayor's, and magistrate courts except that municipalities, counties, and political subdivisions shall be exempt from such fee. Without limiting the generality of the foregoing, such fee shall apply to all adoptions, certiorari, applications by personal representatives for leave to sell or reinvest, trade name registrations, applications for change of name, and all other proceedings of a civil nature. Any matter which is docketed upon the official dockets of the enumerated courts and to which a number is assigned shall be subject to such fee, whether such matter is contested or not.
 - (b)(1) As used in this subsection, the term 'civil action' means:
 - (A) With regard to decedents' estates, the following proceedings: petition for letters of administration; petition to probate a will in solemn form; petition for an order declaring no administration necessary; petition to probate a will in solemn form and for letters of administration with will annexed; and petition for year's support;

- (B) With regard to a minor guardianship matter as set forth in paragraph (1) of subsection (f) of Code Section 15-9-60, the proceeding by which the jurisdiction of the probate court is first invoked;
- (C) With regard to an adult guardianship matter as set forth in paragraph (1) of subsection (g) of Code Section 15-9-60, the proceeding by which the jurisdiction of the probate court is first invoked; and
- (D) An application for writ of habeas corpus.
- (2) In addition to all other legal costs there shall be charged to the filing party and collected by the clerk an additional fee of \$15.00 in each civil action filed in the probate court. For the purposes of the imposition of the civil filing fee required by this subsection, the probate court shall collect the civil filing fee on each proceeding listed in subparagraph (A) of paragraph (1) of this subsection involving a decedent but once only in a guardianship matter involving the same ward or an application for writ of habeas corpus involving the same applicant.
- (c) Any person who applies for or receives legal defense services under Chapter 12 of Title 17 shall pay the entity providing the services a single fee of \$50.00 for the application for, receipt of, or application for and receipt of such services. The application fee may not be imposed if the payment of the fee is waived by the court. The court shall waive the fee if it finds that the applicant is unable to pay the fee or that hardship will result if the fee is charged.
- (e)(d) Each clerk of court, each indigent defense program, or any other officer or agent of any court receiving any funds subject to this Code section shall collect the additional fees provided in this Code section and shall pay such moneys over to the authority by the last day of the month after the month of collection, to be deposited by the authority into the general fund of the state treasury.
- (d)(e) It is the intent of the General Assembly that all funds derived under this Code section shall be made available through the general appropriations process and may be appropriated for purposes of funding indigent defense.
- (e)(f) A public entity other than an entity providing legal defense services under Chapter 12 of Title 17 may charge, in addition to any other fee or surcharge authorized by law, a \$50.00 application fee unless waived by the court for inability to pay or hardship. Any such fee shall be retained by the entity providing the services or used as otherwise provided by law and shall not be subject to payment to the authority or deposit into the state treasury.
- (g) For the purposes of this Code section, a county or municipality that provides indigent defense services or that contracts with a circuit public defender office for the provision of indigent defense services in courts other than the superior and juvenile court is deemed to be the entity providing the legal defense services and is entitled to impose and collect the application fee authorized by subsection (f) of this Code section."

SECTION 4.

Said title is further amended by striking subsection (b) of Code Section 15-21A-7, relating to the definition of court and the system for reporting and accounting, and inserting in lieu thereof the following:

The authority shall develop promulgate rules and regulations for the administration of this chapter. Such rules and regulations shall include but not be limited to a reporting and accounting system for all court fines and fees and all surcharges on and deductions from any court fines and fees that are authorized to be collected or disbursed in any court. The authority shall develop a system that employs controls necessary to determine the accuracy of the fine and fee collections and disbursement by each clerk of court or other officer or agent of any court receiving any fines and fees. No later than 60 days after the end of the last day of each month, each such clerk of court and, if there is no clerk of court, any court officer, judge, or other agent of the court shall report to the authority on a reporting system prescribed by the authority. Any entity doing business with such clerk or agents any court and all agencies and instrumentalities of the state shall cooperate in providing on a timely basis provide any information or data requested by the authority in a format prescribed by the authority by rule or regulation. The authority is authorized to make inquiries to clerks of court, court officers, judges, or agents of any court and agencies or instrumentalities of the state as well as any other parties for the purpose of determining the accuracy of any fines and fees collected or disbursed by a court and is authorized where it determines appropriate to conduct audits of any parties to assist in ensuring the accuracy of the system developed by the authority."

SECTION 5.

Title 17 of the Official Code of Georgia Annotated, relating to legal defense for indigents, is amended by striking subsection (d) of Code Section 17-12-23, relating to contracts with local governments, and inserting in lieu thereof the following:

"(d) A city, or county, or consolidated government may contract with the circuit public defender office for the provision of criminal defense for indigent persons accused of violating city, or county, or consolidated government ordinances or state laws. If a city, or county, or consolidated government does not contract with the circuit public defender office, the city, or county, or consolidated government shall be subject to all applicable standards adopted by the council for representation of indigent persons in this state."

SECTION 6.

Said title is further amended by inserting a new Article 2A of Chapter 12 to read as follows:

"ARTICLE 2A

17-12-50.

As used in this article, the term:

- (1) 'Paid in part' means payment by a county or municipality for a part of the cost of the provision of indigent defense services pursuant to a contract with a circuit public defender office as set forth in subsection (d) of Code Section 17-12-23. The term does not include payment by a county or municipality for office space and other supplies as set forth in Code Section 17-12-34.
- (2) 'Public defender' means an attorney employed by a circuit public defender office, an attorney who is a conflict defender, or any other attorney who is paid from public funds to represent an indigent person in a criminal case.

 17-12-51.
- (a) When a defendant who is represented by a public defender, who is paid in part or in whole by a county, enters a plea of nolo contendere, first offender, or guilty or is otherwise convicted, the court may impose as a condition of probation repayment of all or a portion of the cost for providing legal representation and other expenses of the defense if the payment does not impose a financial hardship upon the defendant or the defendant's dependent or dependents. The defendant shall make the payment through the probation department to the county.
- (b) When a defendant who is represented by a public defender, who is paid in part or in whole by a municipality, enters a plea of nolo contendere, first offender, or guilty or is otherwise convicted, the court may impose as a condition of probation repayment of all or a portion of the cost for providing legal representation and other expenses of the defense if the payment does not impose a financial hardship upon the defendant or the defendant's dependent or dependents. The defendant shall make the payment through the probation department to the municipality.
- (c) If a defendant who is represented by a public defender, who is paid for entirely by the state, enters a plea of nolo contendere, first offender, or guilty or is otherwise convicted, the court may impose as a condition of probation repayment of all or a portion of the cost for providing legal representation and other costs of the defense if the payment does not impose a financial hardship upon defendant or the defendant's dependent or dependents. The defendant shall make the payment through the probation department to Georgia Public Defender Standards Council for payment to the general fund of the state treasury. It is the intent of the General Assembly that all funds collected under this subsection shall be made available through the general appropriations process and may be appropriated for purposes of funding indigent defense.
- (d) In determining whether or not a payment imposed under this Code section imposes a financial hardship upon a defendant or defendant's dependent or dependents and in determining the amount of the payment to impose, the court shall consider the factors set forth in Code Section 17-14-10. The public defender may provide the court with an estimate of the cost for providing to the defendant the legal representation and other expenses of the defense. If requested by the defendant, the court shall hold a hearing to determine the amount to be paid.
- (e) This Code section shall not apply to a disposition involving a child pursuant to Chapter 11 of Title 15, relating to juvenile proceedings.

17-12-52.

- (a) A county or municipality may recover payment or reimbursement from a person who has received legal assistance from a public defender paid in part or in whole by the county or municipality:
 - (1) If the person was not eligible to receive such legal assistance; or
 - (2) If the person has been ordered to pay for the legal representation and other expenses of the defense pursuant to Code Section 17-12-51 and has not paid for the legal services.
- (b) An action shall be brought within four years after the date on which the legal services were received.
- (c) In determining the amount of the payment imposed under this Code section, the court shall consider the factors set forth in Code Section 17-14-10. The public defender may provide the court with an estimate of the cost for providing to the defendant the legal representation and other expenses of the defense.
- (d) This Code section shall not apply to proceedings involving a child pursuant to Chapter 11 of Title 15, relating to juvenile proceedings."

SECTION 7.

Said title is further amended in Code Section 17-10-1, relating to fixing of sentence in criminal cases, by adding at its end a new subsection (g) to read as follows:

- "(g)(1)(A) In sentencing a defendant convicted of a felony to probated confinement, the sentencing judge may make the defendant's participation in a work release program operated by a county a condition of probation, provided that such program is available and the administrator of such program accepts the inmate.
- (B) Any defendant accepted into a county work release program shall thereby be transferred into the legal custody of the administrator of said program; likewise, any defendant not accepted shall remain in the legal custody of the Department of Corrections.
- (2) Work release status granted by the court may be revoked for cause by the sentencing court in its discretion or may be revoked by the state or local authority operating the work release program for any reason for which work release status would otherwise be revoked.
- (3) The provisions of this subsection shall not limit the authority of the commissioner to authorize work release status pursuant to Code Section 42-5-59 or apply to or affect the authority to authorize work release of county prisoners, which shall be as provided for in Code Sections 42-1-4 and 42-1-9 or as otherwise provided by law.
- (4) This subsection shall not apply with respect to any violent felony or any offense for which the work release status is specifically prohibited by law, including but not limited to serious violent felonies as specified in Code Section 17-10-6.1."

SECTION 8.

This Act shall become effective on July 1, 2006.

SECTION 9.

All laws and parts of laws in conflict with this Act are repealed.

Representative Willard of the 49th moved that the House adopt the report of the Committee of Conference on SB 203.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Crawford	Y Hill, C.A	Y Martin	E Sailor
Y Amerson	E Cummings	Y Holmes	Y Maxwell	Y Scheid
Y Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Hudson	Y Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Drenner	Y Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	E Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	E Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Buckner, G	Y Franklin	Y Keown	Y Orrock	Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	N Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Y Mangham	Y Rogers	Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson,
				Speaker

On the motion, the ayes were 162, nays 1.

The motion prevailed.

Representatives Hudson of the 124th and Wix of the 33rd stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

The following Resolution of the House was read:

HR 1114. By Representative Keen of the 179th

A RESOLUTION

Relative to adjournment; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA that, unless otherwise provided by subsequent resolution of the General Assembly, the meeting dates and dates of adjournment for the 2005 regular session of the General Assembly for the period of January 23, 2006, through February 6, 2006, shall be as follows:

Monday, January 23	in session for legislative day 6
Tuesday, January 24	in session for legislative day 7
Wednesday, January 25	in session for legislative day 8
Thursday, January 26	in session for legislative day 9
Friday, January 27	. in adjournment
Saturday, January 28	. in adjournment
Sunday, January 29	. in adjournment
Monday, January 30	. in adjournment
Tuesday, January 31	in session for legislative day 10
Wednesday, February 1	in session for legislative day 11
Thursday, February 2	in session for legislative day 12
Friday, February 3	in session for legislative day 13
Saturday, February 4	. in adjournment
Sunday, February 5	. in adjournment
Monday, February 6	in session for legislative day 14

BE IT FURTHER RESOLVED that on and after February 6, 2006, the periods of adjournment of the 2006 session, if any, shall be as specified by subsequent resolution of the General Assembly, except that for the remainder of the 2006 regular session, unless otherwise provided by subsequent resolution, the General Assembly shall adjourn at the close of the legislative day on each Friday on which the General Assembly is in session and shall reconvene on the following Monday.

BE IT FURTHER RESOLVED that, as authorized by Code Section 28-1-2, the hours for closing and convening the Senate on each day may be as ordered by the Senate; and the hours for closing and convening the House on each day may be as ordered by the House.

On the adoption of the Resolution, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Crawford	Hill, C.A	Y Martin	E Sailor
Y Amerson	E Cummings	Holmes	Y Maxwell	Y Scheid
Y Anderson	Y Davis	Y Holt	Y May	Y Scott, A

Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Meadows	Y Shaw
Y Bearden	Y Dodson	Hudson	Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Drenner	Y Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	E Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	E Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Buckner, G	Y Franklin	Y Keown	Y Orrock	Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Ray	Y Watson
Y Channell	Y Harbin	Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Y Mangham	Rogers	Y Wix
Y Cooper	Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Rynders	Richardson,
				Speaker

On the adoption of the Resolution, the ayes were 154, nays 0.

The Resolution was adopted.

Representatives Hudson of the 124th and Smith of the 113th stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

The following Resolutions of the House were read and adopted:

HR 1115. By Representative Jones of the 44th:

Declaring District 44 Days at the Capitol on January 24 and January 31, 2006; and for other purposes.

HR 1116. By Representatives Gardner of the 57th, Burkhalter of the 50th, Buckner of the 130th, Thomas of the 100th and Drenner of the 86th:

A RESOLUTION commending Georgia's sustainable and environmentally friendly businesses; and for other purposes.

HR 1117. By Representatives Richardson of the 19th, Ralston of the 7th, Fleming of the 117th, Knox of the 24th, Willard of the 49th and others:

A RESOLUTION congratulating the Court of Appeals of Georgia on the occasion of its 100th anniversary; and for other purposes.

HR 1118. By Representatives Lane of the 167th, Keen of the 179th and Wilkinson of the 52nd:

Commending Joseph Allen Gossett; and for other purposes.

HR 1119. By Representatives Smith of the 113th, Heard of the 114th and Kidd of the 115th:

Congratulating the Henry W. Grady School of Journalism and Mass Communications, University of Georgia, on the celebration of its 90th anniversary; and for other purposes.

HR 1120. By Representatives Smith of the 113th, Heard of the 114th, Kidd of the 115th and Burkhalter of the 50th:

Commending Mr. Ed Hoard on being inducted into the PGA Golf Professional Hall of Fame; and for other purposes.

HR 1121. By Representatives Lane of the 158th, Hill of the 180th, Burns of the 157th, Amerson of the 9th, Parrish of the 156th and others:

Recognizing the year of 2006 as the 75th Anniversary Celebration of Georgia's State Parks and Historic Sites; and for other purposes.

The following communications were received:

Legislative Services Committee

Office of Legislative Counsel 316 State Capitol Atlanta, GA 30334 January 19, 2006

TO: MEMBERS OF THE GENERAL ASSEMBLY FROM THE 11TH CONGRESSIONAL DISTRICT

RE: CAUCUS TO ELECT THE 11TH CONGRESSIONAL DISTRICT STATE TRANSPORTATION BOARD MEMBER

Pursuant to the provisions of O.C.G.A. Section 32-2-20, the President of the Senate and the Speaker of the House have directed me to notify you that a caucus is hereby called for the purpose of electing the member of the State Transportation Board from the 11th Congressional District. Such caucus will be held in the Senate Chamber, State Capitol Building, Atlanta, Georgia, on Thursday, January 26, 2006, at 2:00 P.M.

Members of the Senate from those senatorial districts embraced or partly embraced within the 11th Congressional District are eligible to participate in said caucus. Members of the House of Representatives from those representative districts embraced or partly embraced within the 11th Congressional District are eligible to participate in said caucus.

Sincerely,

/s/ Sewell R. Brumby Legislative Counsel

SRB:tlc

Legislative Services Committee

Office of Legislative Counsel 316 State Capitol Atlanta, GA 30334

January 19, 2006

TO: MEMBERS OF THE GENERAL ASSEMBLY FROM THE 4TH CONGRESSIONAL DISTRICT

RE: CAUCUS TO ELECT THE 4TH CONGRESSIONAL DISTRICT STATE TRSNSPORTATION BOARD MEMBER

Pursuant to the provisions of O.C.G.A. Section 32-2-20, the President of the Senate and the Speaker of the House have directed me to notify you that a caucus is hereby called for the purpose of electing the member of the State Transportation Board from the 4th Congressional District. Such caucus will be held in the Senate Chamber, State Capitol Building, Atlanta, Georgia, on Thursday, January 26, 2006, at 3:00 P.M.

Members of the Senate from those senatorial districts embraced or partly embraced within the 4th Congressional District are eligible to participate in said caucus. Members of the House of Representatives from those representative districts embraced or partly embraced within the 4th Congressional District are eligible to participate in said caucus.

Sincerely,

/s/ Sewell R. Brumby Legislative Counsel

SRB:tlc

Representative Keen of the 179th moved that the House do now adjourn until 10:00 o'clock, tomorrow morning, and the motion prevailed.

The Speaker announced the House adjourned until 10:00 o'clock, tomorrow morning.